

Remarks

Currently pending are claims 1-5 and 8-13.

**35 U.S.C. § 103(a)**

The Examiner has rejected claims 1, 2, 4, 5 and 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Boedeker et al. (US 3,223,470) or JP 57-42985 or JP 56-118975 or JP 50-157422. The Examiner has also rejected claims 1, 2, 4, 5 and 8-13 under 35 U.S.C. § 103(a) as being unpatentable over Lehmann et al. (US 5,779,740).

The Examiner notes the dyes of the references cited above differ from those claimed in the present application “only in that hydrogen replaces the C<sub>1</sub>-C<sub>4</sub> alkyl group that corresponds to R<sub>1</sub> of the claimed dyes.” *Office Communication Mailed 8/3/06* at 3. The Examiner asserts it would have been obvious to replace this hydrogen with a lower alkyl group.

Applicants respectfully traverse this rejection for the following reason. The similarity in this case is predicated on the substitution of hydrogen by a C<sub>1</sub>-C<sub>4</sub> alkyl substituent in one specific place in the dyes referred to in the references above. There are, however, many other places in these dyes to make such a substitution. There is no teaching or suggestion in the references nor has the Examiner demonstrated that it would have been obvious to one of ordinary skill in the art to make the substitution of hydrogen at that *particular* position at which Applicants have placed the C<sub>1</sub>-C<sub>4</sub> alkyl substituents so as to enhance the dyeing or printing properties of the dye. Where “there is no teaching that substitution in certain other spots is beneficial, one who teaches otherwise has made an unobvious contribution to the art.” *In re Wagner*, 371 F.2d 877 at 885 (C.C.P.A. 1967).

To demonstrate the superiority of the claimed dyes in comparison to the dyes in the references above, Applicants submit the attached Declaration of Schmiedl. The Declaration provides comparative data showing that a dye of the present invention ( $R_1 =$  ethyl) enhances not only the degree of fixing but also the compatibility of the dye with other dyes when compared to a dye according to the references above ( $R_1 = H$ ). The dye expert found this to be very surprising and completely unexpected. Applicants respectfully request the rejections under 103(a) be withdrawn and the issuance of a Notice of Allowance toward the pending claims.

Should any fee be due in connection with the filing of this document, the Commissioner for Patents is hereby authorized to deduct said fee from Huntsman Corporation Deposit Account No. 08-3442.

Respectfully Submitted,

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